

REMARKS

This application has been reviewed in light of the Office Action dated June 14, 2007. Claims 59-67, 69-75, 77-81, 83-91 and 93-105 are presented for examination, of which Claims 59 and 83 are in independent form. Claims 68, 76, 82, 92 and 106 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Favorable reconsideration is requested.

Claims 68, 76, 82, 92 and 106 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Without conceding the propriety of this rejection and to expedite the allowance of the present application, Applicants have canceled Claims 68, 76, 82, 92 and 106, rendering the rejection moot.

The Office Action states that Claims 59-106 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,978,369 (*Wheeler et al.*). Applicants respectfully traverse this rejection and submit that independent Claims 59 and 83, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

An important feature of Claims 59 and 83 provides “determining, if the accessing party is a prospective customer, the validity of the access code, and if the access code is valid, associating the access code with at least one of a customer profile and a pre-approved offer.” (emphasis added). By virtue of this feature, the prospective customer is encouraged to become a customer by customizing (i.e., individualizing) an offer for the prospective customer.

In stark contrast, *Wheeler et al.* establish a shell account for a prospective account holder using publicly available information about the prospective account holder, but only “distributes or sends...the prospective account holder...an offer to ‘open’ an account...with the

account authority and with instructions for doing so...The account authority then obtains...additional information, as needed, to populate the account record.” Col. 12, line 59 through col. 13, line 35. Thus, *Wheeler et al.* merely provide the prospective account holder an offer to apply for a new account but does not teach or suggest, or otherwise result in providing a prospective user with a “pre-approved offer,” as recited in Claim 59.

Another important feature of Claim 59 is “determining, if the accessing party is a pre-existing customer, whether at least one pre-approved offer exists for the pre-existing customer.” As pointed out at page 3 of the Office Action, *Wheeler et al.* teaches how to convert a pre-existing account into account-based digital signature (ABDS) account. *See Wheeler et al.* col. 14, lines 17-67. As understood by Applicants, this is to convert an existing account into one which uses the digital signature technique disclosed in *Wheeler et al.* Applicants submit that “an offer to ‘convert’ the existing conventional account to an ABDS account” does not individually tailor an offer for the existing customer. Moreover, it is apparent from the disclosure of *Wheeler et al.* that the main reason to provide a pre-existing account holder with the opportunity to convert their account is to provide an account with added security. Accordingly, Applicants submit that the nothing in *Wheeler et al.* would teach, suggest or otherwise result in “determining...whether at least one pre-approved offer exists for the pre-existing customer,” as recited in Claims 59 and 83.

Accordingly, Applicants submit that Claims 59 and 83 are not anticipated by *Wheeler et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the

invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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